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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,730	06/25/2001	Clive Hayball	0584-1041	2086
23644	7590	08/10/2006	EXAMINER	
BARNES & THORNBURG, LLP			BILGRAMI, ASGHAR H	
P.O. BOX 2786			ART UNIT	
CHICAGO, IL 60690-2786			PAPER NUMBER	
			2143	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/888,730

Applicant(s)

HAYBALL ET AL.

Examiner

Asghar Bilgrami

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5,7,8,10,12,13 and 19-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7,8,10,12,13 and 19-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 5, 7, 8, 10, 12, 13, 19-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Logan et al (U.S. 6,578,006 B1).
3. As per claims 1, 25-27 & 30 Logan disclosed a computer readable storage medium storing instructions that, when executed on entities within a network cause the entities to perform a method for handling a resource request, the method comprising the steps of; receiving a resource request at a GLLS at a network edge from a client, the resource request identifying the requested resource: the GLLS forwarding the resource request to a GDLS at a, location remote from the network edge (col.4, lines 47-67 & col.5, lines 1-2): the GDLS searching a database for a resource record associated with the requested resource the resource record including a series of executable instructions (col.3, lines 39-67): the GDLS analyzing a set of resource providers and determining the resource providers compatible with the resource request; the GDLS transmitting

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a response containing a list of resource providers to the GLLS, the list including server selection criteria associated with the resource providers; the GLLS selecting the best resource provider in the list according, to the server selection criteria; and the GLLS executing- the executable instructions to facilitate providing the requested resource to the client by the best resource provider (col.5, lines 46-67 & col.6, lines 1-3).

4. As per claim 2 Logan disclosed a method according to Claim 1, wherein the resource request further comprises information relating to client location in the network and access speed (col.5, lines 46-65).

5. As per claim 5 Logan disclosed a method according to Claim 2 wherein the information is added to the resource request after said resource request is received at the GLLS from the client (col.4, lines 47-67 & col.5, lines 1-2).

6. As per claim 7 Logan disclosed a method according to claim 1, wherein the GLLS is a DNS server and the step of receiving a resource request comprises receiving a request concerning access to the resource provide (col.4, lines 47-67 & col.5, lines 1-2).

7. As per claim 8 Logan disclosed a method according to Claim.1:, further comprising the steps of the: the GLLS converting the resource request form operable by the GDLS and transmitting the converted resource request to the GDLS (col.4, lines 47-67 & col.5, lines 1-2).

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8. As per claim 10 Logan disclosed a method according to Claim 1, wherein the requested resource is provided to the client by the best resource Provider via the GLLS (col.5, lines 46-67 & col.6, lines 1-3).

9. As per claim 12 & 13 Logan disclosed a method according to Claim 1, wherein resource provider is an application (col.5, lines 46-67 & col.6, lines 1-3).

10. As per claim 19 Logan disclosed a method according to Claim 1, wherein the resource request is a DNS record and the information in the resource request is contained within an additional DNS text field forming part of the DNS record (col.5, lines 46-67 & col.6, lines 1-3).

11. As per claim 20 Logan disclosed a method according to Claim 16, wherein the response transmitted by the GDLS is a DNS record and the server selection criteria of the compatible resource providers are contained within an additional DNS text field forming part of the DNS record (col.5, lines 46-67 & col.6, lines 1-3).

12. As per claim 21 Logan disclosed a method according to Claim 1, further comprising Identifying a lookup means for accessing said resource provider (col.3, lines 8-25).

13. As per claim 22 Logan disclosed a method according to claim 21 wherein the look up means comprises an address (col.3, lines 8-25).

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14. As per claims 23 & 24 Logan disclosed a method according to Claim 21 wherein the identifying comprises retrieving a second identity of the network entity (col.4, lines 47-67 & col.5, lines 1-2).

15. As per claim 29 Logan disclosed an architecture according to claim 28, further comprising a content, distribution point manager CDPM associated with the GDL, the CDPM holding information on resource provider, said CDPM configured to provide information on all known resource providers able to supply the requested resource on receiving a query from the GLLS corresponding to the resource request received by GLLS (col.4, lines 47-67 & col.5, lines 1-2).

16. As per claim 31 Logan disclosed a method according to Claim 2, wherein the sever selection criteria includes information on one of the group comprising: a response time of said resource provider, a load on said resource provider, a distance to the resource provider from the, and a throughput of the resource provider (col.5, lines 46-67 & col.6, lines 1-3).

17. As per claim 32 Logan disclosed a method according to Claim 1, wherein the requested resource is available on the resource provider but is not available on the GLLS (col.4, lines 47-67 & col.5, lines 1-2).

18. As per claim 33 Logan disclosed a communications network comprising the scalable architecture as claimed in claim 27 (col.12, lines 5-11).

19. As per claim 34 Logan disclosed a method according to Claim 1 wherein the list of resource providers transmitted by the GDLS is in order of their compatibility with the resource request, the most compatible resource provider placed first (col.4, lines 47-67 & col.5, lines 1-2).

20. As per claim 35 Logan disclosed a method according to Claim 1 wherein the GLLS includes a Content Distribution Point Manager (CDPM), the CDPM adapted to provide information about local resource providers within an ISP domain (col.4, lines 47-67 & col.5, lines 1-2).

21. As per claim 36 Logan disclosed a method according to Claim 1 wherein the GDLS includes a Content Distribution Point Manager (CDPM), the CDPM adapted to provide information about resource providers throughout the network (col.4, lines 47-67 & col.5, lines 1-2).

***Response to Arguments***

22. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



AB

Asghar Bilgrami  
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